



PUBLIC RECORDS ACCESS GUIDELINES (rev. 10/06)

Introduction

In the California Public Records Act (“the Act”), Government Code Section 6250 *et seq.*, the California Legislature declares that access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this State, and requires public records to be available to the public upon request. The State Coastal Conservancy has established these guidelines, consistent with the Act and with Governor’s Executive Order S-03-06 (March 29, 2006), to ensure that members of the public understand their rights to inspect and obtain copies of public records. A copy of these guidelines is posted in the Conservancy’s offices. This document may also be obtained on the Conservancy’s website, <http://www.scc.ca.gov/>. The Conservancy revises the guidelines occasionally, as needed.

Useful Definitions

“Public records” include any writing containing information relating to the conduct of the public business prepared, owned, used or retained by the Conservancy regardless of physical form or characteristics.

“Writing” means handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

“Member of the public” means any person, except a member, agent, officer, or employee of a federal, State, or local agency acting within the scope of his or her membership, agency, office, or employment.

When Public Records May Be Inspected

Public records are open to inspection during the Conservancy’s regular office hours, 8:00 a.m. to 5:00 p.m., Monday through Friday. The inspection of public records is subject to a rule of reason as to time and duration, and must be consistent with the efficient functioning of the Conservancy’s offices. Although members of the public are not required to give notice in order to inspect public records, the Conservancy requests that any person who wishes to inspect its public records telephone the contact listed below to schedule a appointment to inspect the records. It is the policy of the Conservancy that records not exempt from disclosure by State law will be open for public inspection with the least possible delay and expense to the requesting

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party. The Conservancy makes numerous publications and records freely available on its web site: <http://www.scc.ca.gov/>.

Although the Conservancy can quickly provide many records for inspection, requests for some records may take more time because the records must be located, reviewed for exempt information, and copied. In order to prevent records from being lost, damaged, or destroyed during an inspection, Conservancy employees may determine the location of, and may monitor, the inspection.

How the Public May Obtain Access to Public Records

Please direct requests for copies of records to:

Dick Wayman
Public Records Act Coordinator
State Coastal Conservancy
1330 Broadway, Suite 1300
Oakland, California 94612
(510) 286-4182
FAX: (510) 286-0470
EMAIL: dwayman@scc.ca.gov.

The Conservancy encourages, but does not require, requests for records to be made in writing. Although some Conservancy records (including statements of economic interest, Conservancy publications, public meeting materials, and these guidelines) are available for immediate public inspection, written requests help the Conservancy respond and correctly identify the records requested. Denials of written requests will be provided in writing. When requests are made orally, the Conservancy may confirm the request in writing to ensure it has correctly understood the request.

Conservancy personnel will not require that persons requesting to inspect records provide identification or reasons for the requested inspection. However, if records are to be picked up or mailed to a requester, the requestor must provide sufficient identifying information.

Identification of Requested Public Records

To help the Conservancy promptly provide access to or copies of public records, requesters should provide specific information about the records they seek. When a public record cannot be identified by name, the requester should attempt to be as specific as possible in describing the record, based on its content, date, subject, title, or other identifying information. When a request is not sufficiently specific, Conservancy staff will help the requester identify the information, describe how the records are maintained or their physical location, and provide suggestions on how to overcome practical barriers to disclosure, unless an index or other finding aid is readily available.

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Copies of Public Records

When a copy of a record is requested, and the record cannot be produced immediately, within ten days of the date on which the request is received the Conservancy will determine whether the request, in whole or in part, seeks copies of disclosable public records in the Conservancy's possession, and will notify the requestor of the determination and provide an estimate of the date when the records will be made available. In unusual circumstances, the Conservancy may extend this initial response time up to fourteen days by written notice from the Conservancy to the requestor stating the reason for the extension. Unusual circumstances include:

1. The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
2. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.
3. The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the Conservancy's determination of the request.
4. The need to compile data, write programming language or a computer program, or construct a computer report to extract data. The Conservancy may request additional information if the request is not specific enough to permit identification of the requested records. While the Conservancy will disclose identifiable and existing, nonexempt records, the Conservancy is not required to synthesize, manufacture, summarize, or develop new records in response to a request. If the Conservancy decides to comply with the request, the records will be made available as promptly as reasonably practicable.

As needed, the Conservancy's Public Records Act Coordinator will assist the requestor in making a focused and effective request that reasonably describes identifiable, non-exempt public records.

Records in Electronic Format

Upon request, the Conservancy will make available existing, non-exempt public records in the electronic formats in which the Conservancy holds the information, or in another format requested if it has been used by the Conservancy to create copies for its own use or for provision to other agencies.

Fees

A request for a copy of an identifiable public record or information produced from it must be accompanied by payment of fees to cover the direct costs of duplication. For paper copies, standard pages (8½" x 11", black & white) are charged at \$.20 per page. Direct costs of duplication include materials, the pro-rata expense of duplicating equipment, and the staff expenses (salary and benefits) required to make a copy of the record. Direct costs of duplication do not include staff time for researching, retrieving, or redacting records.

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Unless the Conservancy agrees otherwise in a particular instance, the requestor shall pay in advance the direct costs of producing a copy of a record in electronic format, and shall also bear the full costs to construct a record and the programming and computer services necessary if:

1. The Conservancy is required to produce a copy of an electronic record and the record is one that is produced only at otherwise regularly scheduled intervals; or
2. The Conservancy is required to perform data compilation, extraction, or programming to produce the record.

The Conservancy may provide for copies of public records to be produced by a private contractor, such as a professional copy service. In that event, the requestor shall be responsible for the price charged by the contractor to produce the copies.

If the requestor is asking for a waiver of fees, the requestor should state the basis of entitlement to a waiver.

The Conservancy's Response to a Public Records Act Request

In responding to requests under the Public Records Act, the Conservancy will advise the person submitting the request, by telephone, email, or surface mail, as appropriate, of:

1. The location, date, and time at which the requested records may be inspected.
2. The cost of providing copies of requested records and the estimated date when the copies will be available. (See "Copies of Public Records," above.)
3. Which of the records requested are not subject to disclosure under the California Public Records Act as public records.

Records Not Open for Inspection

In balancing the public's right of access to public records with the recognized individual right of privacy and the need for State agencies to be able to competently perform their duties, the Legislature has established certain categories of records which may be exempt from public disclosure. A complete list of statutory exemptions is found in the California Public Records Act. Records pertaining to the Conservancy and exempt from disclosure include, but are not limited to:

1. Preliminary drafts, notes, or inter-agency or intra-agency memoranda that are not retained by the Conservancy in the ordinary course of business, provided that the public interest in withholding those records clearly outweighs the public interest in disclosure.
2. Records pertaining to pending litigation to which the Conservancy is a party, or to certain claims made, until such litigation or claim has been finally adjudicated or otherwise settled.

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3. Personnel, medical, or similar files, the disclosure of which would constitute unwarranted invasion of personal privacy.
4. Test questions, scoring keys, and other examination data used to administer an examination for employment.
5. Contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by a State agency relative to the acquisition of property, or prospective public supply and construction contracts, until all of the property has been acquired or all of the contract obtained.
6. Records the disclosure of which is exempt or prohibited under federal or State law, including, but not limited to, provisions of the Evidence Code relating to privilege.
7. Certain records that pertain to archeological site information.
8. Certain voluntarily submitted “critical infrastructure information.”

The Conservancy may also withhold from public disclosure records that do not qualify for a specific exemption under the California Public Records Act, but regarding which the Conservancy determines that the public interest served by not making the record public clearly outweighs the public interest served by disclosure. Records subject to exemption may nevertheless be made available for inspection if waiving the exemption will serve the public interest, as the Conservancy determines on a case-by-case basis. However, the Conservancy’s determination to disclose a record that may otherwise be exempt from disclosure does not constitute a waiver with respect to any other records.

Challenging the Conservancy’s Determination Not To Disclose Records

Under the California Public Records Act, any person may seek injunctive or declarative relief from a court of competent jurisdiction to enforce the right to inspect or to receive a copy of any public record.

Assistance for Persons with Disabilities

Persons with disabilities who require reasonable accommodation for obtaining access to Conservancy public records should notify the Conservancy of their accommodation needs in their written request, or by calling the Conservancy's Public Records Act Coordinator at (510) 286-4182.